

THE AFRICAN UNION AND MEMBER STATES: HOW TO MAINSTREAM PARTICIPATION IN TRANSITIONAL JUSTICE



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The 2019 **African Union Transitional Justice Policy** (AUTJP) advances a unique transitional justice approach based on the principles of national and local ownership, African shared values, inclusiveness, equity and non-discrimination. These principles highlight the importance of popular participation and provide a framework for mainstreaming participation in a meaningful way.


This policy brief outlines how the AUTJP provides for participation, explains the value of participation, and identifies key challenges, before providing actionable recommendations for the African Union and its member states on partnering with a wide range of stakeholders to enhance popular participation. By doing so, the AU and member states can ensure that transitional justice is a transformative tool for sustainable peace, reconciliation and good governance at the regional and national levels in Africa.

Participation in the African Union Transitional Justice Policy

The AUTJP provides for participation throughout, as indicated by the inclusion of “community participation” in its definition of transitional justice (para. 19). In its guiding principles, the policy states that transitional justice processes must “promote the participation and address the needs of marginalized and vulnerable groups such as women and girls, the elderly, disabled and youth” (para. 33iii), and more specifically the “active participation of women and youth through affirmative action measures

in designing and implementing the full measure of transitional processes crafted for the transitional needs of the affected country” (para. 39ii).

Moreover, the AUTJP provides detailed guidance on ensuring participation in its indicative elements of transitional justice – particularly peace processes, transitional justice commissions, reparations, memorialisation, justice and accountability, political and institutional reforms, and human and peoples’ rights – as well as the cross-cutting issues of women and girls, children and youth, persons with disabilities and older persons.



The African Union Transitional Justice Policy defines transitional justice as “the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation.” The policy provides for popular participation at all stages of transitional justice.

The 2020 **Roadmap for the Implementation of the AUTJP** further concretises participation by integrating it into the work of African Youth for Transitional Justice and African Women for Transitional Justice, and providing for

the translation of the AUTJP into African languages to ensure widespread understanding and access.

Following the AUTJP's guidance, meaningful participation demands the involvement of victims and survivors, communities affected by past abuses, and the broader population in multiple stages of a transitional justice process in ways that enable their agency over the goals, form and outcomes of that process.

The value of mainstreaming participation

Transitional justice is most effective when those impacted by injustices actively identify priorities, craft solutions and hold institutions accountable. This ensures that the process is democratic and responds to affected populations' needs, particularly in contexts with scars of conflict, colonial legacies and governance failures.

Meaningful participation demands the involvement of victims and survivors, affected communities and the broader population in multiple stages of a transitional justice process in ways that enable their agency over the goals, form and outcomes of that process.



Widespread understanding and access are fundamental to ensuring that transitional justice processes are inclusive and effective. When communities clearly grasp transitional justice principles and measures, they are better equipped to actively participate in shaping the policies and actions that affect their lives. The participation of women, youth and other marginalised groups ensures that their voices are heard when historically they have been side-lined.

Ultimately, popular participation enhances legitimacy, builds trust in institutions, and promotes collective

healing and social cohesion by bridging divides and encouraging collective ownership. When communities actively shape transitional justice, it becomes more effective, culturally sensitive and transformative, building a foundation for lasting peace and reconciliation.

Potential challenges

Despite the AUTJP emphasising participation, popular participation in national transitional justice processes across Africa remains limited. Several barriers hinder participation, which become apparent when applying the policy in local contexts:

- Lack of mechanisms for implementation: Many member states lack templates or guidelines for ongoing community engagement, essential for effectively orchestrating popular participation in transitional justice.
- Weak monitoring, evaluation, accountability and learning (MEAL) frameworks: Many member states do not have indicators for tracking community engagement levels and do not specify the qualitative and quantitative metrics, timelines or data collection methodologies needed to evaluate the depth and outcomes of participation. They also lack a platform for capturing and communicating results about the success of popular participation.
- Limited financial resources: Member states often lack the funds to create a realistic budget for implementing popular participation in transitional justice, which can hinder inclusivity.
- Lack of safeguards and security: In conflict-affected contexts, communities engaging in transitional justice may be at risk if security is not guaranteed. Participants, especially victims/survivors and marginalised groups, may become targets of intimidation or reprisals.
- Limited use of digital or innovative engagement channels: Member states often overlook how

For more information and detailed recommendations, visit our [From Partnership to Participation: Multilateral Engagements with Transitional Justice in Africa](#) project page.



technologies such as radio, SMS campaigns, social media and online platforms could expand participation, especially in remote or conflict-affected areas. This underestimates a growing medium through which communities, especially the youth, can access information and voice concerns.

Successfully implementing transitional justice initiatives requires overcoming these challenges through a collaborative approach, with the AU and member states partnering with civil society, citizens and international partners to adapt participation strategies to local circumstances.

Recommendations

For the African Union

- Lead in the development of concrete implementation guidelines for popular participation: The AU can lead the establishment of specific continental guidelines that enable victims/survivors, affected communities and broader populations to actively participate in co-creating transitional justice initiatives from their design to implementation. These guidelines should promote collaboration and shared ownership, ensuring that those affected are integral to every stage of transitional justice as partners and not just as target groups or beneficiaries. They would translate provisions on participation in the AUTJP into practical, actionable steps that can be effectively implemented at both the national and the local level.
- Create a robust monitoring and evaluation platform: The AU should create a platform for national reporting on ongoing transitional justice processes, with specific, measurable, achievable, relevant and time-bound (SMART) indicators focusing on popular participation. This platform would promote accountability, foster transparency and drive continuous improvement in implementing transitional justice.
- Leverage the Economic, Social and Cultural Council (ECOSOCC) mandate to mobilise civil society and community-based participation: As the AU's advisory body representing civil society organisations, ECOSOCC can mobilise popular participation, amplify marginalised voices and ensure that transitional justice measures are tailored to local contexts. ECOSOCC can

raise awareness about the AUTJP, monitor and evaluate ongoing transitional justice processes, support capacity-building initiatives and assist with resource mobilisation. With its diverse membership, ECOSOCC would facilitate dialogue among governments, communities and the AU, enhancing context-specific approaches and ensuring that transitional justice initiatives are participatory, inclusive and sustainable.

- Facilitate peer learning among member states: The AU can facilitate peer learning among member states by sharing examples and lessons from efforts to promote popular participation, such as The Gambia's Truth, Reconciliation and Reparations Commission. This exchange of best practices would enable countries to adapt solutions to their unique contexts, strengthening the effectiveness and sustainability of transitional justice efforts.

For member states

- Adopt security and protection measures: AU member states should establish comprehensive safety protocols to protect witnesses and other participants in transitional justice processes. These protocols should include options for anonymity, secure reporting mechanisms, and access to mental health and psychosocial support, developed in collaboration with relevant civil society organisations. Additionally, member states should partner with security actors to create and maintain safe spaces for truth-telling and other transitional justice activities, particularly in regions still experiencing sporadic violence. These measures would ensure that participants feel safe and supported, promoting trust and meaningful engagement in transitional justice.
- Leverage technology: Member states should explore and outline digital engagement methods to reach citizens who cannot participate in in-person forums. These methods could include SMS hotlines, online portals for testimony and WhatsApp groups for community mobilisation. Additionally, member states should develop guidelines on data protection, guaranteeing privacy, and managing misinformation that may arise on digital platforms. By leveraging technology, member states can broaden participation, enhance accessibility and ensure the integrity and security of information shared during transitional justice processes.

- Promote popular participation in transitional justice: Member states must engage local communities, victims/survivors and marginalised groups throughout transitional justice initiatives' design and implementation stages, promoting ownership and trust within affected populations. This commitment would help ensure that transitional justice processes are meaningful, context-specific and sustainable. They must be designed with and for the people most affected by conflict and human rights violations.
- Ensure the sustainability of transitional justice: Member states can ensure the sustainability of transitional justice processes and mainstream popular participation by integrating them into broader national development agendas, such as their National Plans of Action (NPOA). By embedding transitional justice in national development frameworks, member states can address the root causes of conflict and ensure that structural injustices, such as exclusion, inequality and human rights violations, are comprehensively addressed.
- Ensure effective monitoring and evaluation of transitional justice: Member states should establish national systems to monitor and evaluate popular participation in transitional justice initiatives, using the AUTJP, the Roadmap on Implementation and the guidelines proposed above as benchmarks. By tracking community engagement and consultation efforts and identifying gaps, states can ensure accountability for their commitments through collaboration with civil society, AU organs and regional bodies. Regular assessments will enable timely adjustments, ensuring that transitional justice processes remain on track, transparent and effective, thus enhancing the credibility and impact of these processes.
- Empower national human rights institutions (NHRIs): NHRIs can facilitate participation and national consultations by organising discussion forums and offering legal and technical advice. They can also support the inclusion of traditionally marginalised groups such as victims/survivors, minorities, women and youth by promoting capacity building, mobilising financial and material resources, and finding solutions to barriers to participation. This would enhance the inclusivity and effectiveness of transitional justice initiatives, thereby contributing to more robust and equitable outcomes at the national level.

Conclusion

The combined efforts of the AU and its member states are crucial to the success of mainstreaming popular participation in transitional justice processes in Africa. By ensuring inclusive, participatory processes, tailoring transitional justice to local realities, initiating strong partnerships and committing to long-term sustainability, the AU and member states can lay the groundwork for participation to create lasting peace, reconciliation and sustainable development.

The recommendations in this brief provide a clear path forward. Through this collaborative, people-centred approach, transitional justice's full potential can be realised, contributing to a just and peaceful Africa for future generations.

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